

**TROY GERMAN,
PLAINTIFF, V. BRIAN
ORR, DEFENDANT
WDOK 19-CV-751-F
MOTION EXHIBITS FOR
DEFENDANT ORR'S
MOTION FOR SUMMARY
JUDGMENT

EXHIBIT 5 – DEPOSITION
OF RHOADES**

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ALSO PRESENT:

Megan Simpson
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Troy German

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I N D E X

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Billy "Rusty" Rhoades, III:

Direct Examination by MR. BOWERS	5:5
Cross-Examination by MR. YAFFE	121:8
Cross-Examination by MR. GASKINS	124:21

EXHIBITS

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NO.: DESCRIPTION:

For Deposition:

1	Audio Transcription of Conversation with Troy German and Brian Orr, condensed version, 11 pages: For Identification	24:11
2	Caption Promotional Interview July 2018, 5 pages: For Identification	24:13

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1 was saying, but it was "don't do that."

2 I thought man, I am going to have a fight in my
3 office. He was like enraged that I would say that. So I
4 just sat back and listened. He talked about -- Troy talked
5 about how he was very disliked throughout the highway
6 patrol. He had a reputation for dishonesty. People hated
7 him, and he didn't think he had any opportunity to proceed
8 in the ranks of the patrol. He kept saying he wanted to be
9 an agent of change but he knew he couldn't do that on the
10 patrol because nobody liked him and he didn't think he
11 would have any opportunities.

12 Then he said he wanted me to assist him --
13 because of that, he wanted to be an agent of change in
14 state government. So he wanted me to assist him with the
15 new incoming governor at that time, whoever it was going to
16 be, help him receive the appointment to the Director of
17 Emergency Management. I thought okay.

18 And as he's having this conversation, you have
19 to understand, I am very aware, very personally aware of
20 Troy's history, the things he's done in the past. I am
21 very familiar with his reputation of dishonesty. I am very
22 familiar with the dislike that people throughout the patrol
23 have for Troy. And this conversation made me very nervous
24 because, in 2009, I was actually a collateral damage. I
25 was a victim then as well to Troy and a group of others'

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1 actions that ended up in the literally unpromoting of
2 myself and Russell Maples to the rank of major.

3 Again, we were collateral damage. We weren't
4 the target, I presume. But it was the same type of
5 allegation, same playbook, that there had been
6 improprieties and that the only reason I got promoted --
7 the allegation was the only reason I got promoted was
8 because I was Kevin Ward's best friend, Commissioner Ward's
9 best friend, which certainly wasn't true, and that Russell
10 Maples only got promoted because he was black.

11 That was all over Fox 25. It was a horrible
12 time for the highway patrol. I don't know -- I know those
13 part of the allegations were false, because that is not the
14 reason we got promoted. There were other allegations. I
15 don't know what else was going on in that realm. But that
16 made me very aware that Troy was part of a group of people
17 that was willing to hurt other people with dishonesty so
18 they could get what they wanted.

19 Q Who was all part of this group of people that
20 would hurt others with dishonesty?

21 A I know Trent Pettigrew was very openly a part
22 of it. He was kind of the face of it as well.

23 Q Ultimately, Trent Pettigrew brought two
24 lawsuits against DPS. Is that true?

25 A I don't know how many or what. I don't know

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1 Q Do you remember the date of that meeting?

2 A September 28th, I believe.

3 Q Okay. Did you take anyone from the OHP with
4 you for that meeting?

5 A No.

6 Q Had you notified anyone at OHP about the
7 blackmail before that meeting?

8 A No.

9 Q Tell me everything you can remember that was
10 said by you or Mr. German during that meeting at Starbucks.

11 A So when I arrived, Troy was already there
12 sitting towards the back. I was going to get a cup of
13 coffee. He already had one. He said he would buy my cup
14 of coffee. So he bought me a cup of coffee.

15 When we sat down, he shared his displeasure
16 with me for not staying in touch; staying in close contact;
17 for not, obviously, making people believe or let them know,
18 tell them he was my guy; not being seen in public with him.
19 He felt like I was not living up to my end of the bargain.
20 Again, at times during the meeting he said he has this
21 subpoenaable evidence but kind of keep it between us right
22 now. (Indicating.)

23 He did say that he knew that I hadn't told Mike
24 Harrell or Brian Orr about our previous meetings because
25 they hadn't treated him any differently. Then he got very

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1 emotional. It was kind of embarrassing. He got very
2 emotional. He was talking about, again, how, you know, he
3 just didn't have a chance on the highway patrol, he had a
4 horrible reputation. Just went on and on about how people
5 didn't like him.

6 So I thought, well, now is a chance to kind of
7 maybe get him off topic, kind of manage this somehow. So I
8 started telling him what I thought he could do to, you
9 know, restore his reputation, do things that -- you know,
10 to gain people's respect. And after just a couple of
11 minutes of that, he said -- he said, "I just want a chance
12 to be promoted to major."

13 And I thought, well, here we go again. So now
14 it was clear to me, with that statement, you know, that he
15 wanted to be a major and the Director of OEM. So I told
16 him, I said, "Troy, there's no positions open." And he
17 argued, you know, used to be 11 or 13. He couldn't
18 remember the number. I believe I told him it was 11. I
19 told him that, "You know, it's just not something I can do.
20 There's no money for it. The legislature already thinks we
21 have too much brass. So it's just something that" -- I
22 told him it's something that I just couldn't in good faith
23 or in practice do.

24 So there was some back and forth argumentative
25 on that. Well, then he pulled a piece of paper out of,

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1 paper in the side pocket of my tactical pants.

2 He got very frustrated with me and basically
3 ended the meeting. He stood up after I said, "I am not
4 going to do it, I can't do it, it's not right." He stood
5 up and gathered his stuff up and started walking away. As
6 he started walking away, I thought here goes. He is going
7 to go pull the trigger on what he's going to do. Again, as
8 I stated earlier, I have seen what he and people he's
9 associated with are capable of. So I was fearful for my
10 future because -- based on the lies that he had generated.

11 So I said, "Troy, wait." He instantly stopped.
12 He had just passed me. I said, "Come back." He came back.
13 And as he was walking past me, I said, "Troy, are you
14 telling me to promote you to major?"

15 He said, "I just want a chance."

16 As he started to sit down, as he was sitting
17 down, I said, "Troy, are you telling me to promote you to
18 major?"

19 His exact word was "yes."

20 And again I said, "Troy, I am not going to do
21 that. It's not the right thing to do." And he again -- I
22 have never seen this type of anger in someone's eyes. He
23 came across the small Starbucks table, and we were face to
24 face, almost nose to nose. He had this most intense hatred
25 glare I have ever seen. I have been a trooper 30 years,

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1 and I have never been in that intense of a stare-down. I
2 was thinking, man, we're going to end up fighting inside a
3 Starbucks. He's in a Class A uniform. Police are going to
4 be called. Media. It will be horrible. So I have to
5 deescalate this.

6 So I backed up in my chair and started talking
7 about -- I said, "Troy, this is what I am talking about.
8 You can't do this to people. You can't treat people like
9 this. You talk about your reputation." There was some
10 small conversation in that general frame of topic. Then we
11 decided it was time to go. We got up, walked out. And
12 that was the end of the meeting.

13 Q Is there anything else you can remember that
14 either one of you said?

15 MR. YAFFE: Object to the form.

16 MR. GASKINS: Object to the form.

17 THE WITNESS: Not as I sit here. No.

18 Q (By Mr. Bowers) So surely, after that meeting,
19 you reported this to Troop Z immediately?

20 MR. YAFFE: Object to the form.

21 MR. GASKINS: Object to form.

22 THE WITNESS: No.

23 Q (By Mr. Bowers) Surely you reported this to
24 David Prater immediately after this meeting?

25 MR. GASKINS: Object to form.

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1 Q And they conduct criminal investigations into
2 members of the highway patrol?

3 A Yes. They have. They do.

4 Q How many employees or members were assigned to
5 Troop Z, just generally? Roughly?

6 A It has constantly varied. Maybe half a dozen
7 full-time and then several part-time.

8 Q Troop Z has the ability to obtain search
9 warrants from judges. Correct?

10 A Yes.

11 Q Troop Z has the ability to obtain -- Troop Z
12 could have assisted you in recording any of these offsite
13 conversations with Captain German. Correct?

14 A Yes.

15 Q You could have recorded those conversations
16 with Captain German, because you believed that they would
17 have showed the commission of a crime. Right?

18 A Yeah. It's possible.

19 Q Yeah.

20 A I felt like I -- without a case being opened, I
21 would have been walking a fine line. It is against OHP
22 policy to record another member without their knowledge.
23 So yes in the sense that I believed a crime was being
24 committed. A case had not been opened. So I didn't want
25 to cross any lines, sir.

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1 Z and done it there?

2 A No. I would have on mine, but I wouldn't have
3 had this form. That's why I am a little confused. Maybe
4 they pulled it off a different form that maybe I provided a
5 written statement. I don't recall. But either way, I
6 mean, those are my words.

7 Q I was just trying to understand who actually
8 prepared the document. But the short answer is you're just
9 not sure?

10 A No. I can't recall if that was an interview or
11 if I typed a previous statement. I don't -- as I sit here,
12 I don't recall that. There may be something that reminds
13 me later. I don't know.

14 Q Okay. After your first meeting with Captain
15 Holt, do you know what steps he took to begin his
16 investigation?

17 A No.

18 Q What was your involvement in his investigation
19 after your initial meeting?

20 A None. I was actually, by design, firewalled
21 myself and Chief Harrell.

22 Q Throughout the course of this investigation,
23 did you read any of the interview reports?

24 A No.

25 Q After you reported this to Captain Holt, did

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1 you provide information about this investigation to anyone
2 on the Governor's staff?

3 A Yes.

4 Q Who did you provide it to?

5 A Junk and the general counsel, Mark. I forget
6 his last name.

7 Q Mark Burget?

8 A Burget and Michael Junk, Chief of Staff. And
9 at some point, Chip Keating wanted to know again what had
10 happened. So I just regurgitated what had happened in that
11 meeting. We couldn't tell him anything -- I didn't tell
12 him anything about the investigation, because I didn't
13 know. And, really, he had no authority to know a lot about
14 the investigation as Cabinet Secretary. So my conversation
15 with him was just about what my statement was that had
16 happened to me.

17 MR. BOWERS: Why don't we take a short break
18 and go off of the record real quick.

19 (Short Recess from 11:41 a.m. to 11:57 a.m.)

20 Q (By Mr. Bowers) Back on the record.

21 Mr. Rhoades, I want to explore some things you said
22 earlier. You talked about this reputation that Troy German
23 has for dishonesty and this bad reputation that you think
24 he has and that he said he had. I want to understand what
25 that bad reputation is based on.

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1 A Of course I can't speak for everybody that has
2 said it, because, I mean, it's people's opinions. I have
3 had people tell me, that's helped form my opinion, that he
4 had lied about them, their jobs, their positions, hurt
5 them. Obviously, as I spoke earlier, what he did to me or
6 that I was involved in. I was unpromoted.

7 And this -- this is what I have heard, that he
8 has told people that he records everybody he talks to.
9 It's just a -- again, I can't speak for everybody else that
10 has that opinion, but I have heard that opinion multiple
11 times. And Troy even shared it with me as well.

12 Q So has there ever been a time where Troy German
13 has been dishonest to your face? Lied to you?

14 A Yes.

15 Q Tell me about that.

16 A In these meetings, when he said, "Mike Harrell
17 called Brian Orr and gave him the questions and the answers
18 to the board" is one very prime example. Throughout time,
19 I mean, beyond that, I can't recall. I haven't had a lot
20 of conversations with Troy.

21 Q You didn't go to the same patrol academy as
22 Captain German?

23 A No.

24 Q Did you ever directly supervise Troy German?

25 A I don't believe so.

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1 Q Did you ever have a close personal or
2 professional connection with Troy German?

3 A Nothing close.

4 Q So who has told you about -- let's just focus
5 on untruthful things that Troy German has said.

6 Who has told you that Troy German has been
7 untruthful?

8 A Civilian members of the agency. An instructor
9 in his academy approached me at one time. And they
10 actually tried to run him out of the academy, but Troy hung
11 on. Again, it's just anecdotal as much as anything, just
12 in conversation. If it came up, it seemed like whoever was
13 in the room had some sort of opinion.

14 Q What civilians have talked to you about Troy
15 German being untruthful?

16 A Cindy Hughes, Kim Beaver. That's all I can
17 think of off the top of my head right now, that I can think
18 of.

19 Q What did Cindy Hughes tell you about Troy
20 German being untruthful?

21 A Something about her position, that she wasn't
22 qualified, had only got it for a particular reason, because
23 her husband had been a deputy chief. And Kim, I can't
24 remember exactly what -- exactly what the situation was.

25 Q What was Cindy Hughes's position?

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1 A Director of Finance.

2 Q And Kim Beaver, what was her position?

3 A Budget Director.

4 Q You can't remember what she told you?

5 A Not specifically. It would be guessing, and
6 that's not fair.

7 Q No other civilian employee has talked to you
8 about Troy German being untruthful?

9 A As I sit here, nothing I can recollect.

10 Q What's the name of the instructor in his
11 academy that approached you at one time?

12 A Danny Long. I am sorry. Not Danny Long.
13 Danny Oliver.

14 Q Danny Oliver.

15 What did Danny Oliver tell you about trying to
16 run German out of the academy?

17 A Said he was a horrible cadet, that they had
18 caught him being dishonest about something. I don't
19 remember what. He didn't say. That he didn't deserve to
20 be a state trooper.

21 Q Why would Danny Oliver approach you and tell
22 you about that?

23 A By that point, word had gotten out about Troy's
24 lawsuit against us, the indictment. And he just -- I was
25 on the retired troopers meeting, and he approached me and

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1 Q But you were told that long after the fact.

2 Right?

3 A Yes.

4 Q And you have never seen the investigation?

5 A No.

6 Q What other incidents do you rely on to say that
7 Troy German had a bad reputation in the patrol?

8 A There was an allegation that Troy burned down
9 his restaurant that he owned. I believe it was in Clayton.
10 And I have -- one of the investigators in it, again, just
11 fairly recently, well beyond the time that it occurred --
12 this person has retired. They said it was basically by
13 acts of God that Troy wasn't prosecuted in that. They felt
14 like they had him dead to rights. 9/11 happened. The
15 trial of a murdered trooper had just started in the same
16 area. So for some reason, it wasn't followed up on.

17 Q So who is this person that approached you and
18 told you that?

19 A David Ross.

20 Q I'm sorry?

21 A David Ross.

22 Q Did he tell you anything else about that
23 investigation that he was involved in?

24 A No. Just basically told me what he told me.

25 Q When did he tell you that?

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1 A Shortly after I left the agency.

2 Q So last year? 2019?

3 A Yeah.

4 Q Did he tell you he believed Troy German had
5 committed the crime of arson?

6 A Yes.

7 Q Do you know whether Troy German was ever
8 prosecuted for the crime of arson?

9 A I understand he wasn't.

10 Q And this occurred before September 11, 2011? I
11 mean, 2001?

12 A Yes.

13 Q Any other incidents that you rely on to say
14 Troy German had a bad reputation in the highway patrol?

15 A Other than -- again, other than just general
16 hearsay. Anytime his name would come up, it seemed someone
17 would have an opinion, negatively, about Troy. So it was
18 just generalized anecdotal conversations.

19 Q Nothing else specific, that you're aware of?

20 A Just that people didn't have much respect for
21 him or trust him.

22 Q Well, you, yourself, had very little
23 professional interaction with Troy German over the course
24 of your career. Is that true?

25 A That's true.

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1 Q And, certainly, you were not personal friends
2 with Troy German?

3 A No. I was not.

4 Q Are you aware of any allegation that Troy
5 German himself has cheated on any promotional exam in the
6 highway patrol?

7 A Yes.

8 Q Tell me what you know about that.

9 A Brian Orr -- and again, this was part of the
10 investigation that I was firewalled from, but I found out
11 later, after we were removed from our positions, that Troy,
12 in between sessions of the board that Troy sat on the
13 board, Troy called Brian Orr and gave him the questions and
14 the answers.

15 There was another incident involving another
16 trooper where that trooper was disciplined for having that
17 type of interaction with Troy German, questions and
18 answers.

19 Q Any other accusations that you're aware of like
20 that?

21 A None that I can think of as I sit here.

22 Q So let's talk about Brian Orr. So you have had
23 conversation with Brian Orr about his accusation of
24 cheating against Troy German?

25 A I have.

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1 Q Okay. When did you first have a conversation
2 with Brian Orr about that topic?

3 A It was after the indictment. We were already
4 gone.

5 Q You say "we were already gone." You mean you
6 had already left the agency?

7 A Yes.

8 Q Okay.

9 A So some time after that.

10 Q What did Brian Orr tell you?

11 A He said that German called him in between
12 sessions and gave him the questions and the answers to the
13 board that Troy was sitting on, that Brian was getting
14 ready to appear in front of.

15 Q Did he tell you which promotional exam that
16 was?

17 A I don't recall which one it was.

18 Q Do you remember if he told you that?

19 A He may have. Again, I don't recall when it
20 was.

21 Q Have you seen any documents that support that?

22 A I have not.

23 Q Are you aware of any documents that support
24 that?

25 A I don't know if there's any in the

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1 investigative packet or not. I don't know.

2 Q Do you know whether that's been investigated by
3 DPS?

4 A I do not know.

5 Q Okay. You said there was another incident
6 involving another trooper. Who is that other trooper?

7 A That's Dawson Blacklee.

8 Q Tell me what -- about that incident with Dawson
9 Blacklee.

10 A That's all I know about it, what I told you
11 already.

12 Q How did you find out about it?

13 A My counsel.

14 Q Oh. So you don't have any direct knowledge of
15 this?

16 A No.

17 Q You didn't investigate this allegation?

18 A No.

19 Q You were gone from the agency when you learned
20 of this allegation?

21 A Yes.

22 Q Do you know Dawson Blacklee testified in that
23 Trent Pettigrew trial that took place in 2015?

24 A I didn't know that.

25 Q Against the agency?

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1 A I didn't know that.

2 Q So what do you know about which promotion this
3 was? Do you have any knowledge of which promotion Troy
4 German allegedly gave Dawson Blacklee the questions and
5 answers on?

6 A I do not know.

7 Q Do you know whether or not Troy German was
8 disciplined in any way for that?

9 A I do not know.

10 Q Do you know if Dawson Blacklee was disciplined?

11 A I understand he was.

12 Q Do you know when he was disciplined?

13 A I do not.

14 Q Is there anything else that you will tell a
15 court and jury or try to tell a court and jury about why
16 you think Troy German is a dishonest person?

17 MR. YAFFE: Object to the form.

18 MR. GASKINS: Same.

19 THE WITNESS: Nothing that comes to mind right
20 now.

21 Q (By Mr. Bowers) Okay. So let's rewind back to
22 November of 2018. You have the conversation with Jason
23 Holt where the Troop Z investigation is initiated. After
24 that -- well, strike that.

25 Did you also meet with David Prater in 2018, to

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1 charge Troy German with blackmail?

2 A No, I did not.

3 Q Tell me everything that you can remember that
4 David Prater said to you and others present during that
5 meeting.

6 MR. YAFFE: Object to the form.

7 MR. GASKINS: Same.

8 THE WITNESS: He kind of went on a rant. It
9 caught me off guard, his approach. I told him about the --
10 again, I didn't go into great detail. I just -- kind of a
11 quick synopsis what had happened. I wasn't there to file a
12 charge. I just wanted to give him a heads-up. He said,
13 "Who are you talking about?"

14 I said, "Troy German."

15 And he said, "Troy German. Oh, is that that
16 fat piece of shit with the fucked-up hand that burned down
17 his restaurant?"

18 I said, "Well, yeah. Troy German is who we're
19 talking about."

20 He said, "Well, what did he do now?" Something
21 to that effect. So I told him.

22 And he said, "Well, if someone is just
23 threatening to say something about me, I would just call
24 him out."

25 And I explained, "This is more than just saying

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1 to ask for charges to be filed. I know how to do that.

2 Q Did he ask you if it had been investigated?

3 A I think he just said it needs to be
4 investigated.

5 Q Can you remember anything else that he said to
6 you during that meeting?

7 A I believe he said after Troop Z investigates
8 it, he would be willing to look at it, bring it back.

9 Q Did he give you his word that, if you brought
10 him back an investigation, he would faithfully and honestly
11 review it?

12 A I don't know if he used those words, but
13 something to that extent.

14 Q But, ultimately, you didn't take an
15 investigation back to DA Prater. True?

16 A I didn't take an investigation anywhere.

17 Q How did the investigation end up at the
18 Attorney General's Office?

19 A The Governor directed the Attorney General to
20 engage in it.

21 Q How do you know that?

22 A I was told that, that that was going to happen,
23 in my second meeting that I spoke of earlier with Junk and
24 general counsel for the Governor. They told me that the
25 Governor was interested in doing that.

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1 I said, "Well, that's fine. That's the
2 Governor's call. I certainly have no problem with another
3 agency having eyes on it. It's whatever the Governor wants
4 to do. I certainly have no objection or no say in it."

5 And then soon after, it was a couple of days,
6 General Hunter called me in my office and said that, at the
7 Governor's request, they were going to either be involved
8 or take over the investigation. I don't recall the words.
9 He was going to assign his top investigator to it. I said,
10 "Okay. Thank you."

11 Q Who was his top investigator? Did he tell you?

12 A It's Tom. I don't recall his last name.

13 Q Tom Helm?

14 A Again, I don't recall his last name.

15 Q Were you ever interviewed by the Attorney
16 General's Office?

17 A Yeah. And I say yeah. I am trying to figure
18 out -- I can't remember if we just -- if I met with them
19 about trial prep. And then that -- the investigator was
20 there with Mr. Towery, but I don't recall if I was
21 investigating -- if I was interviewed prior to that, that
22 meeting. I believe that was more trial prep.

23 Q So you were not interviewed by anyone at the
24 AG's Office before the indictment?

25 A Not that I can think of. There's maybe

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1 something in the investigation that I am just not
2 remembering, but I don't recall.

3 Q Other than that conversation you had initially
4 with AG Hunter, did you talk to AG Hunter again about the
5 criminal charge?

6 A Yes.

7 Q How many times?

8 A One.

9 Q When was it?

10 A The evening that the indictment came out, the
11 felony indictment for blackmail came out on Troy German.

12 Q How did that conversation take place?

13 A General Hunter called me on my cell phone, my
14 state phone, and told me that the indictment on the
15 blackmail had been handed down. He said they believed the
16 AG's Office has a very strong case, they intend to
17 prosecute to the fullest, and he said Troy German was a
18 very bad person.

19 Q Anything else that was said during that call?

20 A I don't believe so. No.

21 Q You didn't ever talk to AG Hunter again about
22 the indictment?

23 A Again, not that I can recollect.

24 Q Did you ever talk to AG Hunter about the
25 dismissal of the criminal charges against Troy German?

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1 A No.

2 Q Did you ever talk to anyone at the Attorney
3 General's Office about the dismissal of criminal charges
4 against Troy German?

5 A Yes.

6 Q Who?

7 A Dane Towery.

8 Q When did you talk to Mr. Towery? Let me
9 rephrase it.

10 Did you talk to Mr. Towery before or after the
11 dismissal?

12 A Before.

13 Q What did you say to Mr. Towery and what did he
14 say to you?

15 MR. YAFFE: Object to the form.

16 THE WITNESS: The first call was a week or so,
17 within that time frame, prior to the preliminary hearing.
18 We talked about cutting a deal where Troy would retire. He
19 started talking a little bit about how DA Prater may be
20 testifying. And, you know, we were standing firm like
21 "Okay. Fine. Go ahead."

22 We got up to the day before the prelim. Dane
23 called. He was like, "Yeah, this is -- you know, Prater is
24 going to testify. It's going to be ugly. It's going to be
25 nasty. They're going to drag you through the mud. It will

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1 be bloody and drag the patrol, your family through the
2 mud." I am thinking what is going on. All of a sudden,
3 he's acting like he doesn't want to do this. He told me
4 that Troy's resignation or retirement was on the table.

5 I was like, "Okay." So we still -- he had me
6 go to the courthouse the date of the preliminary. He had
7 me wait out in the parking lot. I was across the street in
8 my car. He called again. He was like, "Prater is going to
9 testify. Not sure what he's going to say but, again,
10 they're going to drag you through the mud. They're going
11 to drag your family through the mud. It's going to be a
12 bloodbath, horrible for the patrol."

13 So it was clear to me that, for some reason,
14 they were looking to not do this. They said Troy was going
15 to retire. I could tell from his tone and the fact that
16 Troy was going to leave the patrol, I was like, "Fine. Do
17 whatever." So they made the deal. I did find out after --
18 Dane came out after it had all been accomplished in the
19 courtroom. He showed me Troy German's letter of
20 retirement. It was actually dated the day before the
21 preliminary hearing. So, apparently, a deal had already
22 been cut before I was even told that a deal had been cut.

23 So Towery said, "Hey, we're going to do a press
24 release and we're going to say you requested it." I was
25 like, "I requested this? I didn't request this." Because

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1 A Depending on the timing.

2 Q Okay. And you knew at that time, when you were
3 meeting with Greg Treat, that Troy German was seeking the
4 position of Director of Oklahoma Office of Emergency
5 Management?

6 A Because he told me he was interested in it.

7 Q Right?

8 A Yes.

9 Q Did you know that he was going to interview
10 with the Governor for that position?

11 A I did not.

12 Q Did you direct Jason Holt to execute search
13 warrants the day before that interview that Troy German was
14 set to have with Governor Stitt for that position?

15 A No.

16 Q Just a coincidence that he did that the day
17 before the interview?

18 MR. YAFFE: Object to the form.

19 MR. GASKINS: Object to form.

20 THE WITNESS: Again, I had no involvement in
21 the investigation. So I don't know what the mind-set was,
22 train of thought, the reasoning.

23 Q (By Mr. Bowers) Did you tell Megan Simpson that
24 Troy German was seeking that position of Director of the
25 Oklahoma Office of Emergency Management?

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1 recall any conversation with all of us together.

2 Q Even on speakerphone or maybe do a conference
3 call where Secretary Keating was on the phone with Brian
4 Orr?

5 A I don't recall that. I would have to know if
6 there was some context that would jog my memory, but as we
7 sit here, I don't recall all of us being in the same
8 conversation.

9 Q Would that be abnormal for Brian Orr to be on
10 that conversation?

11 A Yes.

12 Q Why?

13 A With his rank and position, a Cabinet
14 Secretary, topics that, you know, may be sensitive that he
15 might hear, it's just not normal.

16 MR. YAFFE: I will pass the witness. Thank
17 you.

18 MR. GASKINS: I just have a couple of
19 questions.

20 CROSS-EXAMINATION

21 BY MR. GASKINS:

22 Q Previously, you were asked about examples of
23 Mr. German being untruthful. Have you subsequently
24 recalled any other examples of Mr. German being untruthful?

25 A Yes. And I actually hit on it briefly. So I

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1 didn't really go into a lot of it when you asked me for
2 examples. When I spoke of our first meeting when Troy come
3 to my office, earlier that afternoon, he had been in the
4 chief's office and was being addressed about lying and
5 disseminating confidential information. Troy had denied
6 it. The chief shared with me after the meeting he didn't
7 believe him. They had information contradictory to that.

8 So again, that's another example just to add to
9 that. I thought I had mentioned it, but I just wanted to
10 bring it back into that scope.

11 MR. GASKINS: Okay. Nothing further.

12 MR. BOWERS: I don't have anything else.

13 MR. GASKINS: He will read and sign.

14 (Deposition concluded at 1:05 p.m. and witness excused
15 after 2 hours and 36 minutes on the record)

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